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December 14, 2004

Beth N. Mizuno, Esq
Attorney
Federal Elections Commission
Washington, D.C. 20463

Re: MUR 5475

Dear Ms. Mizuno,

Thank you for the opportunity to clarify the issues raised in your November 22, 2004 letter.

In our reply to MUR 5475, we stated that the Nader campaign's 900 square feet sublease amounted to 44 per cent of the total space in the Citizen Works' suite. In making this calculation, the campaign was referring to the square footage of the eight (8) work stations that the campaign sub-let from Citizen Works, which had a total of 18 leasable work stations in the suite. The campaign paid for actual furnished offices and work stations, which included access to common areas such as hallways, bathrooms, foyer, both within the suite and in public areas of the building. See Arace Affidavit at paras. 4 and 8; Hillenmeyer Affidavit at para. 7, which both state that the rent price was structured based on the actual furnished office space.

The question raised in your letter arises from the difference between the gross square footage of 4,371 sq. feet, which includes hallways, bathrooms, kitchen, common areas and lobby, and public access areas of the building. The Nader campaign's 900 square feet/ 44 per cent share of the space arises not from this gross figure but from the actual square footage of the eight furnished work stations that the campaign sub-let from Citizen Works. See e.g., Hillenmeyer Affidavit at para. 7 where Mr. Hillenmeyer explains that the sub-tenants rented "furnished individual offices or workstations..." and thereby gained access to common areas.

The total square footage of the 18 work stations in the suite amounts to 2,030 square feet. The actual square footage of the eight work stations that the Nader campaign sub-let equaled 895.2 sq. feet, which was rounded off to 900 sq. feet in the sub-lease for ease of

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calculation. This left a balance of 1,130 square feet which was occupied by Citizen Works and several other public interest tenants who also sub-let from Citizen Works. The subleases, including the Nader campaign's, were identical in that all subtenants paid on the basis of furnished offices or work spaces occupied. Hillenmeyer Affidavit at para.7.

The campaign's approximate 900 square foot sublease equaled 44.3 per cent of the total 2,030 square footage of the 18 work stations in the suite, which is the basis of our response that the campaign sub-let 44 per cent of the Citizen Works' suite.

Hopefully, this discussion clarifies the issues raised in your recent letter. Please call me at any time if I can furnish further information or be of any assistance.

Very truly yours,

Bruce I. Afran
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